

OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY

WESTCHESTER COUNTY COURTHOUSE
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JANET DiFIORE
DISTRICT ATTORNEY

February 14, 2008

Hon. Charles L. Brieant
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: Johannes Gonzalez v. Ercole, Superintendent
08 Civ. 403 (CLB)

RECEIVED
Appellate Division
February 20, 2008
Charles L. Brieant
CLB

Your Honor:

Pursuant to the Court's Rule 4 Order of January 24, 2008, respondent's answer is due by February 25, 2008. Due to numerous other matters presently pending, as well as scheduling and problematic staffing issues, it is necessary that we request an extension of time in order to adequately respond to the allegations of the petition. In addition petitioner has recently filed a motion for a sentence reduction in the Appellate Division, Second Department; excessive sentence is an enumerated ground for relief in the petition. For these reasons we request that **respondent's time to answer be enlarged to March 25, 2008.**

No prior request for such relief has been made. Thank you for your consideration of this matter.

Very Truly Yours,

JANET DiFIORE
District Attorney

Joseph M. Latino
Joseph M. Latino
Assistant District Attorney

cc: Johannes Gonzalez
03 A 3468
Green Haven Correctional Facility
Stormville NY 12582